

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,717

IN THE MATTER OF:

Served August 23, 2007

HANDI-PRO TRANSPORTATION, INC.,)	Case No. MP-2007-060
Suspension and Investigation of)	
Revocation of Certificate No. 301)	

This matter is before the Commission on respondent's response to Order No. 10,515, served June 1, 2007.

I. BACKGROUND

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 301 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 301 was rendered invalid on March 28, 2007, when the \$1 million primary and \$500,000 excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 10,361, served March 28, 2007, noted the automatic suspension of Certificate No. 301 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 301, and gave respondent thirty days to replace the cancelled endorsements and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 301.

Respondent failed to timely pay the \$50 late fee but timely submitted a \$1.5 million primary WMATC Insurance Endorsement on April 16, 2007. The effective date of the new endorsement is April 10, 2007. This means that respondent was without insurance coverage for twelve days, from March 28, 2007, through April 9, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 301 as directed by Order No. 10,361. Order No. 10,515 accordingly gave respondent thirty days to pay the \$50 late fee and verify that

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

respondent ceased operations as of March 28, 2007. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), the verification was to be corroborated by written confirmation from DC Medicaid.

II. RESPONSE AND ORDER TO SHOW CAUSE

Respondent paid the \$50 late fee and submitted the statement of its president, Vincent Anderson, on June 11. Mr. Anderson asserts that respondent "ceased delivery of customers" during the period "between March 28, 2007 and April 09, 2007." But a statement from ACS State Healthcare, DC Medicaid's agent for processing carrier invoices, states to the contrary that respondent submitted three claims for service rendered during that period. Furthermore, Mr. Anderson's statement says nothing about respondent not operating after April 9, 2007, while respondent was still suspended.

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 301, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and Order No. 10,361 by conducting operations under an invalid/suspended certificate of authority.³

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and Order No. 10,361.

2. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 301 for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact, Regulation No. 58, and Order No. 10,361.

3. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Rehoboth Transp. Servs. LLC*, No. MP-04-155, Order No. 8521, served (Jan. 24, 2005) (carrier that submitted invoices to DC Medicaid for service during suspension period required to show cause).